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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,140	03/03/2006	Santeri Anttalainen	P17183-US1	3295
27045	7590	04/28/2011	EXAMINER	
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				MANOHARAN, MUTHUSWAMY GANAPATHY
ART UNIT		PAPER NUMBER		
2617				
			NOTIFICATION DATE	DELIVERY MODE
			04/28/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kara.coffman@ericsson.com  
jennifer.hardin@ericsson.com  
melissa.rhea@ericsson.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/595,140 Examiner MUTHUSWAMY MANOHARAN	ANTTALAINEN ET AL. Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 January 2011.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5 and 6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-3,5 and 6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

In view of the Appeal filed on 1/18/20110, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/George Eng/

Supervisory Patent Examiner, Art Unit 2617

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ernam et al. (hereinafter Ernam) (US 6097951) in view of Ho et al. (hereinafter Ho) (US 6091953).**

Regarding **claim 1**, Ernam teaches a method of controlling a communication control entity in a communication control part of a mobile communication network that comprises said communication control part (**items 32, 34, 36 and 38 in Figure 3**) and an access part(**item 28 in Figure 3**), said communication control entity acting as a primary communication entity (**any of the MSC along with the dispatcher MSC (DMSC) act as a primary control entity, Figure 3**)for a call communication and belonging to a pool of communication control entities among which no handover procedure is conducted as long as a mobile communication device moves among service realms associated with a predetermined number of access control entities that are connected to said pool, (**Figures 3-4; “pool of mobile switching centers (items 34, 36 and 38 in figure 3 are interconnected with one another”**, Abstract, “**With respect to inter-MSC handovers, there will not be a need for Inter-MSC handovers within the system. When there is an incoming mobile unit from another network, only then will there be a need to do an inter-MSC handover**”, Col. 10, 41-43), said method comprising the steps:

receiving a handover request for removing a first secondary communication control entity from a control process for controlling said call communication and adding a second secondary communication control entity (“**handover processing**”, Col. 10, line 1; “**With respect to inter-MSC handovers, there will not be a need for Inter-MSC handovers within the system. When there is an incoming mobile unit from another network, only then will there be a need to do an inter-MSC handover**”, Col. 10, 41-43);

Ernam did not teach specifically determining whether said second secondary communication control entity belongs to said pool, and if said second secondary communication control entity belongs to said pool, rejecting said second secondary communication control entity to said control procedure and instead communicating directly by said communication control entity with the mobile communication device of which said given call communication is being controlled via an access control entity connected to said primary communication control entity without utilizing any secondary communication control entity as a relay.

However, Ho teaches in an analogous art the method of determining whether said second secondary communication control entity belongs to said pool, and if said second secondary communication control entity belongs to said pool, rejecting said second secondary communication control entity to said control procedure and instead communicating directly by said communication control entity with the mobile communication device of which said given call communication is being controlled via

an access control entity connected to said primary communication control entity without utilizing any secondary communication control entity as a relay

(HO: A subscriber currently in the area of a particular BSC can be supported by any MSC in the network. Since the mobile units are permanently associated with a particular MSC, no inter-MSC location update and handover is necessary as long as the mobile unit stays within the service area of the wireless communication system. .... Moreover, using the message router methodology no routing database is necessary and the number of message routers can be increased as needed, Col. 20, lines 20-35). Therefore, determination step is performed to check whether the mobile unit stays within the service area (within the pool of MSCs) or moving outside the service area.

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of determining whether said second secondary communication control entity belongs to said pool, and if said second secondary communication control entity belongs to said pool, rejecting said second secondary communication control entity to said control procedure and instead communicating directly by said communication control entity with the mobile communication device of which said given call communication is being controlled via an access control entity connected to said primary communication control entity without utilizing any secondary communication control entity as a relay in order to eliminate inter-MSC location update

and handover results in lower processing load at the MSCs and HLR(HO: col. 20, lines 37-40).

The second secondary communication control entity is not used as a relay, because no inter-MSC handover is being performed within the pool.

Regarding **claim 2**, Ernam teaches the method of claim 1, wherein said primary communication control entity determines whether said second secondary communication control entity belongs to said pool by determining an identifier of said second secondary communication control entity from said handover request and comparing said identifier with a list of identifiers of communication control entities belonging to said pool (items 46,48 and 56 in Figures 3-4) .

Regarding **claim 3**, Ernam teaches the method of claim 1, wherein said primary communication control entity determines whether said second secondary communication control entity belongs to said pool by determining an identifier of an access control entity connected to said second secondary communication control entity from said handover request and comparing said identifier with a list of identifiers of access control entities belonging to said predetermined number of access control entities ("MSC/VLR", "VLR\_id", Col. 4, lines 41-55, Figures 3-4).

**Claim 5 and 6** are rejected for the same reason as set forth in claim 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUTHUSWAMY MANOHARAN whose telephone number is (571)272-5515. The examiner can normally be reached on 6:30am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Muthuswamy G Manoharan/  
Examiner, Art Unit 2617

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617